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March 11, 2016

OFFICE OF THE
EXECUTIVE SECRETARIAT

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Pier 92 Amador Ready Mix
Attn: Dave Burstein, Director of Production
500 Amador Street
San Francisco, CA 94124

Corporate Creations Network, Inc.
Agent for Service of Process for
CEMEX Construction Materials Pacific LLC
and CEMEX, Inc.
1430 Truxtun Ave., 5th Floor
Bakersfield, CA 93301

CEMEX Construction Materials Pacific LLC
Attn: Chris Clifford, Area Manager
5180 Golden Foothill Parkway, Suite 200
El Dorado Hills, CA 95762

Re: Notice of Violation and Intent to File Suit under the Clean Water Act

Dear Sirs:

I am writing on behalf of San Francisco Baykeeper ("Baykeeper") to give notice that Baykeeper intends to file a civil action against CEMEX Construction Materials Pacific LLC and its parent company CEMEX, Inc. (collectively, "CEMEX") for violations of the Federal Water Pollution Control Act, 33 U.S.C. § 1251 *et seq.* ("Clean Water Act" or "CWA") at Pier 92 Amador Ready Mix, located at 500 Amador Street in San Francisco, California (the "Facility"). Baykeeper previously notified CEMEX of violations of the Clean Water Act at the Facility in 2009 and entered into a consent decree that terminated in September 2012. It is not general practice for Baykeeper to send successive notices related to the same facility. However, in this instance, evidence of new and ongoing violations at the Facility, which is adjacent to San Francisco Bay, compels us to contact you to determine what additional measures can be taken to bring the Facility into compliance.

Baykeeper is a non-profit public benefit corporation organized under the laws of California, with its office in Oakland, California. Baykeeper's purpose is to protect and enhance the water quality and natural resources of San Francisco Bay, its tributaries, and other waters in the Bay Area, for the benefit of its ecosystems and communities. Baykeeper has five thousand members who use and enjoy San Francisco Bay and other waters for various recreational, educational, and spiritual purposes. Baykeeper's members' use and enjoyment of these waters are negatively affected by the pollution caused by CEMEX's operations.



Pollution hotline: 1 800 KEEP BAY
www.baykeeper.org

1736 Franklin Street, Suite 80C
Oakland, CA 94612
(510) 735-9700

This letter addresses CEMEX's unlawful discharge of pollutants from the Facility via stormwater into San Francisco Bay. Specifically, Baykeeper's investigation of the Facility has uncovered significant, ongoing, and continuous violations of the CWA and the General Industrial Stormwater Permit issued by the State of California (NPDES General Permit No. CAS000001 [State Water Resources Control Board] Water Quality Order No. 92-12-DWQ, as amended by Order No. 97-03-DWQ ("1997 Permit") and by Order No. 2014-0057-DWQ ("2015 Permit") (collectively, the "Industrial Stormwater Permit").¹

CWA section 505(b) requires that sixty (60) days prior to the initiation of a civil action under CWA section 505(a), a citizen must give notice of his or her intent to file suit. 33 U.S.C. § 1365(b). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency ("EPA"), and the State in which the violations occur. As required by section 505(b), this Notice of Violation and Intent to File Suit provides notice to CEMEX of the violations that have occurred and which continue to occur at the Facility. After the expiration of sixty (60) days from the date of this Notice of Violation and Intent to File Suit, Baykeeper intends to file suit in federal court against CEMEX under CWA section 505(a) for the violations described more fully below.

During the 60-day notice period, Baykeeper is prepared to discuss effective remedies for the violations noticed in this letter. We suggest that CEMEX contact us within the next twenty (20) days so that these discussions may be completed by the conclusion of the 60-day notice period. Please note that we do not intend to delay the filing of a complaint in federal court, even if discussions are continuing when the notice period ends.

I. THE LOCATION OF THE ALLEGED VIOLATIONS

A. The Facility

CEMEX operates a concrete batch plant located at 500 Amador Street in San Francisco, California. At the Facility, CEMEX manufactures ready-mix concrete, which is loaded into mixer trucks for use off site. CEMEX also operates a maintenance shop and fueling station on-site. Potential pollutants from the Facility include pH, total suspended solids ("TSS"), heavy metals, oil and grease, hydrocarbons, and other pollutants. The Facility is adjacent to Islais Creek and San Francisco Bay. Stormwater from the Facility is directed to storm drain inlets, which ultimately drain to Islais Creek and San Francisco Bay.

¹ On April 1, 2014, the State Water Resources Control Board adopted the 2015 Permit. As of July 1, 2015, the 2015 Permit superseded the 1997 Permit except for the purpose of enforcing violations of the 1997 Permit. 2015 Permit, Section I.A. (Finding 6).

B. The Affected Water

San Francisco Bay is a water of the United States. The Bay is an ecologically-sensitive waterbody and a defining feature of Northern California. San Francisco Bay is an important and heavily-used resource, with special aesthetic and recreational significance for people living in the surrounding communities. However, the Bay's water quality is impaired and continues to decline. The Bay's once-abundant and varied fisheries have been drastically diminished by pollution, and much of the wildlife habitat of the Bay has been degraded.

The CWA requires that water bodies such as San Francisco Bay meet water quality objectives that protect specific "beneficial uses." The beneficial uses of San Francisco Bay and its tributaries include commercial and sport fishing, estuarine habitat, fish migration, navigation, preservation of rare and endangered species, water contact and non-contact recreation, shellfish harvesting, fish spawning, and wildlife habitat. Contaminated stormwater from the Facility adversely affects the water quality of the San Francisco Bay watershed and threatens the beneficial uses of this ecosystem, which include habitat for threatened and endangered species.

II. THE FACILITY'S VIOLATIONS OF THE CLEAN WATER ACT

It is unlawful to discharge pollutants to waters of the United States, such as San Francisco Bay and its tributaries, without an NPDES permit or in violation of the terms and conditions of an NPDES permit. CWA § 301(a), 33 U.S.C. § 1311(a); *see also* CWA § 402(p), 33 U.S.C. § 1342(p) (requiring NPDES permit issuance for the discharge of stormwater associated with industrial activities). The Industrial Stormwater Permit authorizes certain discharges of stormwater, conditioned on compliance with its terms.

On or around September 20, 2006, CEMEX submitted a Notice of Intent ("NOI") to be authorized to discharge stormwater from the Facility under the Industrial Stormwater Permit. On or around March 24, 2015, CEMEX submitted an NOI to be authorized to discharge stormwater from the Facility under the 2015 Permit. However, information available to Baykeeper indicates that stormwater discharges from the Facility have violated several terms of the Industrial Stormwater Permit and the CWA. Apart from discharges that comply with the Industrial Stormwater Permit, the Facility lacks NPDES permit authorization for any other discharges of pollutants into waters of the United States.

A. Discharges in Excess of BAT/BCT Levels

The Effluent Limitations of the Industrial Stormwater Permit prohibit the discharge of pollutants from the Facility in concentrations above the level commensurate with the application of best available technology economically achievable ("BAT") for

toxic pollutants² and best conventional pollutant control technology ("BCT") for conventional pollutants.³ 1997 Permit, Order Part B.3.; 2015 Permit, Section X.H. EPA has published Benchmark values set at the maximum pollutant concentration levels present if an industrial facility is employing BAT and BCT, as listed in Attachment 1 to this letter.⁴ The 2015 Permit incorporates these Benchmark values as "Numeric Action Levels." 2015 Permit, Section I.M. (Finding 62).

CEMEX's self-reported exceedances of Benchmark values since October 1, 2012, identified in Attachment 2 to this letter, indicate that CEMEX has failed and is failing to employ measures that constitute BAT and BCT in violation of the requirements of the Industrial Stormwater Permit. Baykeeper alleges and notifies CEMEX that its stormwater discharges from the Facility have consistently contained and continue to contain levels of pollutants that exceed Benchmark values for TSS, pH, iron, aluminum, and copper.

CEMEX's ongoing discharges of stormwater containing levels of pollutants above EPA Benchmark values and BAT- and BCT-based levels of control also demonstrate that CEMEX has not developed and implemented sufficient Best Management Practices ("BMPs") at the Facility. Proper BMPs could include, but are not limited to, moving certain pollution-generating activities under cover or indoors, capturing, reusing, or otherwise treating all stormwater prior to discharge, frequent sweeping to reduce the build-up of pollutants on-site, installing filters in downspouts and storm drains, and other similar measures.

CEMEX's failure to develop and/or implement adequate pollution controls to meet BAT and BCT at the Facility violates and will continue to violate the CWA and the Industrial Stormwater Permit each and every day CEMEX discharges stormwater without meeting BAT/BCT. Baykeeper alleges that CEMEX has discharged stormwater containing excessive levels of pollutants from the Facility to San Francisco Bay during at least every significant local rain event over 0.1 inches since October 1, 2012.⁵ Attachment 3 compiles all dates since October 1, 2012 when a significant rain event occurred. CEMEX is subject to civil penalties for each violation of the Industrial Stormwater Permit and the CWA since October 1, 2012.

² BAT is defined at 40 C.F.R. § 442.23. Toxic pollutants are listed at 40 C.F.R. § 401.15 and include copper, lead, and zinc, among others.

³ BCT is defined at 40 C.F.R. § 442.22. Conventional pollutants are listed at 40 C.F.R. § 401.16 and include BOD, TSS, oil and grease, pH, and fecal coliform.

⁴ The Benchmark values are part of EPA's Multi-Sector General Permit ("MSGP") and can be found at: <http://water.epa.gov/polwaste/npdes/stormwater/EPA-Multi-Sector-General-Permit-MSGP.cfm>. The most recent sector-specific Benchmarks can be found at: http://water.epa.gov/polwaste/npdes/stormwater/upload/msgp2015_part8.pdf ("2015 MSGP"). SIC Code 3273 is covered under Sector E in the 2015 MSGP.

⁵ Significant local rain events are reflected in the rain gauge data available at: <http://www.ncdc.noaa.gov/cdo-web/search>.

B. Discharges Impairing Receiving Waters

The Industrial Stormwater Permit's Discharge Prohibitions disallow stormwater discharges that cause or threaten to cause pollution, contamination, or nuisance. *See* 1997 Permit, Order Part A.2.; 2015 Permit, Sections III.C., VI.C. The Industrial Stormwater Permit also prohibits stormwater discharges to surface or groundwater that adversely impact human health or the environment. 1997 Permit, Order Part C.1.; 2015 Permit, Section VI.B. Receiving Water Limitations of the Industrial Stormwater Permit prohibit stormwater discharges that cause or contribute to an exceedance of applicable Water Quality Standards ("WQS"). 1997 Permit, Order Part C.2.; 2015 Permit, Section VI.A. Applicable WQS are set forth in the California Toxics Rule ("CTR")⁶ and Chapter 3 of the San Francisco Bay Basin (Region 2) Water Quality Control Plan ("Basin Plan").⁷ *See* Attachment 1. Exceedances of WQS are violations of the Industrial Stormwater Permit, the CTR, and the Basin Plan.

The Basin Plan establishes WQS for San Francisco Bay and its tributaries, including but not limited to the following:

- Waters shall not contain substances in concentrations that result in the deposition of material that cause nuisance or adversely affect beneficial uses.
- Waters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.
- Waters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses. Increases from normal background light penetration or turbidity relatable to waste discharge shall not be greater than 10 percent in areas where natural turbidity is greater than 50 NTU.
- All waters shall be maintained free of toxic substances in concentrations that are lethal to or that produce other detrimental responses in aquatic organisms.
- Surface waters shall not contain concentrations of chemical constituents in amounts that adversely affect any designated beneficial use. The Basin Plan, Table 3-3, identifies specific marine water quality objectives for toxic pollutants.⁸

⁶ The CTR is set forth at 40 C.F.R. § 131.38 and is explained in the Federal Register preamble accompanying the CTR promulgation set forth at 65 Fed. Reg. 31,682 (May 18, 2000).

⁷ The Basin Plan is published by the San Francisco Bay Regional Water Quality Control Board at: http://www.waterboards.ca.gov/sanfranciscobay/basin_planning.shtml#2004basinplan.

⁸ Basin Plan, Table 3-3 is available at: http://www.waterboards.ca.gov/rwqcb2/water_issues/programs/planningtmdls/basinplan/web/tab/tab_3-03.pdf.

Baykeeper alleges that CEMEX's stormwater discharges have caused or contributed to exceedances of the Receiving Water Limitations in the Industrial Stormwater Permit and the WQS set forth in the Basin Plan. These allegations are based on CEMEX's self-reported data submitted to the San Francisco Bay Regional Water Quality Control Board. The sampling results indicate that the CEMEX's discharges are causing or threatening to cause pollution, contamination, and/or nuisance; adversely impact human health or the environment; and violate applicable WQS. For example, CEMEX's sampling results indicate exceedances of numeric WQS for pH and copper. *See Attachment 2.*

Baykeeper alleges that each day that CEMEX has discharged stormwater from the Facility, CEMEX's stormwater has contained levels of pollutants that exceeded one or more of the Receiving Water Limitations and/or applicable WQS in San Francisco Bay. Baykeeper alleges that CEMEX has discharged stormwater exceeding Receiving Water Limitations and/or WQS from the Facility to San Francisco Bay during at least every significant local rain event over 0.1 inches since October 1, 2012. *See Attachment 3.* Each discharge from the Facility that violates a Receiving Water Limitation or has caused or contributed, or causes or contributes, to an exceedance of an applicable WQS constitutes a separate violation of the Industrial Stormwater Permit and the CWA. CEMEX is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA since October 1, 2012.

C. Failure to Develop and Implement an Adequate Storm Water Pollution Prevention Plan

The Industrial Stormwater Permit requires dischargers to develop and implement an adequate Storm Water Pollution Prevention Plan ("SWPPP"). 1997 Permit, Section A.1.a. and Order Part E.2.; 2015 Permit, Sections I.I. (Finding 54), X.B. The Industrial Stormwater Permit also requires dischargers to make all necessary revisions to existing SWPPPs promptly. 1997 Permit, Order Part E.2.; 2015 Permit, Section X.B.

The SWPPP must include, among other requirements, the following: a site map, a list of significant materials handled and stored at the site, a description and assessment of all potential pollutant sources, a description of the BMPs that will reduce or prevent pollutants in stormwater discharges, and specifications of BMPs designed to reduce pollutant discharge to BAT and BCT levels. 1997 Permit, Sections A.1-A.10.; 2015 Permit, Section X. Moreover, the Industrial Stormwater Permit requires dischargers to evaluate and revise SWPPPs to ensure they meet these minimum requirements, in particular, that the necessary BMPs are in place and being implemented. *See* 1997 Permit, Section A.9. (requiring a comprehensive site compliance evaluation completed each reporting year, and revisions to the SWPPP implemented within 90 days after the evaluation); 2015 Permit, Section X.D.2.a. (obligating the discharger to "ensure its SWPPP is developed, implemented and revised as necessary to be consistent with any applicable municipal, state, and federal requirements that pertain to the requirements in [the 2015 Permit]."). Additionally, the Industrial Stormwater Permit requires that CEMEX assess its stormwater sampling data and identify any additional parameters,

beyond those explicitly required, that indicate the presence of pollutants in industrial stormwater. *See* 1997 Permit, Section Section B.5.c.ii.; 2015 Permit, Section X.G.2.d.

Based on information available to Baykeeper, CEMEX has failed to prepare and/or implement an adequate SWPPP and/or to revise the SWPPP to satisfy each of the requirements of the Industrial Stormwater Permit. For example, CEMEX's past and/or current SWPPP has not/does not include and CEMEX has not implemented adequate BMPs designed to reduce pollutant levels in discharges to BAT and BCT levels in accordance with the Industrial Stormwater Permit, as evidenced by the data in Attachment 2. In addition, CEMEX has not sampled for aluminum or copper since the 2012-2013 reporting year, despite the presence of such pollutants in stormwater samples at levels regularly exceeding EPA Benchmarks during prior sampling events.

Accordingly, CEMEX has violated the CWA each and every day that it has failed to develop and/or implement an adequate SWPPP meeting all of the requirements of the Industrial Stormwater Permit, and CEMEX will continue to be in violation every day until it develops and implements an adequate SWPPP. CEMEX is subject to penalties for each violation of the Industrial Stormwater Permit and the CWA occurring since October 1, 2012.

D. Unpermitted Discharges

Section 301(a) of the CWA prohibits the discharge of any pollutant into waters of the United States unless the discharge is authorized by a NPDES permit issued pursuant to section 402 of the CWA. *See* 33 U.S.C. §§ 1311(a), 1342. CEMEX sought coverage for the Facility under the Industrial Stormwater Permit, which states that any discharge from an industrial facility not in compliance with the Industrial Stormwater Permit "must be either eliminated or permitted by a separate NPDES permit." 1997 Permit, Order Part A.1.; *see also* 2015 Permit, Sections I.A. (Finding 8) and I.C. (Finding 28).

Because CEMEX has not obtained coverage under a separate NPDES permit and has failed to eliminate discharges not permitted by the Industrial Stormwater Permit, each and every discharge from the Facility described herein not in compliance with the Industrial Stormwater Permit has constituted and will continue to constitute a discharge without CWA permit coverage in violation of section 301(a) of the CWA, 33 U.S.C. § 1311(a).

IV. PERSON RESPONSIBLE FOR THE VIOLATIONS

CEMEX Construction Materials Pacific LLC, and its parent company CEMEX, Inc. are the persons responsible for the violations at the Facility described above.

V. NAME AND ADDRESS OF NOTICING PARTY

San Francisco Baykeeper
1736 Franklin Street, Suite 800
Oakland, CA 94612
(510) 735-9700

VI. COUNSEL

Baykeeper is represented by the following counsel in this matter, to whom all communications should be directed:

Erica A. Maharg, Staff Attorney
George Torgun, Managing Attorney
San Francisco Baykeeper
1736 Franklin Street, Suite 800
Oakland, CA 94612
(510) 735-9700


Erica A. Maharg: (510) 735-9700 x110, erica@baykeeper.org
George Torgun: (510) 735-9700 x105, george@baykeeper.org

VII. REMEDIES

Baykeeper intends, at the close of the 60-day notice period or thereafter, to file a citizen suit under CWA section 505(a) against CEMEX for the above-referenced violations. Baykeeper will seek declaratory and injunctive relief to prevent further CWA violations pursuant to CWA sections 505(a) and (d), 33 U.S.C. § 1365(a) and (d), and such other relief as permitted by law. In addition, Baykeeper will seek civil penalties pursuant to CWA section 309(d), 33 U.S.C. § 1319(d), and 40 C.F.R. § 19.4, against CEMEX in this action. The CWA imposes civil penalty liability of up to \$37,500 per day per violation for violations occurring after January 12, 2009. 33 U.S.C. § 1319(d); 40 C.F.R. § 19.4. Baykeeper will seek to recover attorneys' fees, experts' fees, and costs in accordance with CWA section 505(d), 33 U.S.C. § 1365(d).

As noted above, Baykeeper is willing to meet with you during the 60-day notice period to discuss effective remedies for the violations noted in this letter. Please contact me or George Torgun to initiate these discussions.

Sincerely,


Erica A. Maharg
Staff Attorney
San Francisco Baykeeper

Notice of Intent to File Suit
March 11, 2016
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Cc:

Gina McCarthy, Administrator
U.S. Environmental Protection Agency
Mail Code: 1101A
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Jared Blumenfeld, Regional Administrator
U.S. EPA, Region 9
75 Hawthorne Street
San Francisco, CA 94105

Bruce Wolfe, Executive Officer
Regional Water Quality Control Board
San Francisco Bay Region
1515 Clay Street, Suite 1400
Oakland, CA 94612

Thomas Howard, Executive Director
State Water Resources Control Board
1001 I Street
Sacramento, CA 95814

**Attachment 1: EPA Benchmarks and
Water Quality Standards for Discharges to Saltwater**

**A. EPA Benchmarks, 2000 and 2015
Multi-Sector General Permit (“MSGP”)**

Parameter	Units	Benchmark value	Source
Total Suspended Solids	mg/L	100	2015 MSGP
pH	SU	6.0-9.0	2015 MSGP
Oil and Grease	mg/L	15	2000 MSGP
Aluminum Total	mg/L	0.75	2015 MSGP
Copper Total	mg/L	0.0048	2015 MSGP
Iron Total	mg/L	1.0	2015 MSGP
Lead Total	mg/L	0.21	2015 MSGP
Zinc Total	mg/L	0.09	2015 MSGP

B. Water Quality Standards (Basin Plan, Tables 3-3, 3-3A)

Parameter	Units	WQS value	Source
pH	SU	6.5 – 8.5	Basin Plan
Copper	mg/L	0.0094	Basin Plan
Zinc	mg/L	0.09	Basin Plan

Attachment 2: Table of Exceedances for Pier 92 Amador Ready Mix

Table containing each stormwater sampling result which exceeds EPA Benchmarks and/or causes or contributes to an exceedance of Basin Plan Water Quality Standards. The EPA Benchmarks and Basin Plan Water Quality Standards are listed in Attachment 1. All stormwater samples were reported by the Facility since October 1, 2012.

Reporting Period	Sample Point	Sample Date	Parameter	Result	Units
2012-2013	SW-1 & SW-2	11/28/2012	Aluminum Total	7.3	mg/L
2012-2013	SW-1 & SW-2	11/28/2012	Copper Total	0.026	mg/L
2012-2013	SW-1 & SW-2	11/28/2012	Iron Total	7.3	mg/L
2012-2013	SW-1 & SW-2	11/28/2012	pH	9.5	SU
2012-2013	SW-1 & SW-2	11/28/2012	TSS	280	mg/L
2012-2013	SW-1 & SW-2	11/28/2012	Zinc Total	0.18	mg/L
2012-2013	SW-3 (Marco Drain)	11/28/2012	Aluminum Total	8.1	mg/L
2012-2013	SW-3 (Marco Drain)	11/28/2012	Copper Total	0.034	mg/L
2012-2013	SW-3 (Marco Drain)	11/28/2012	Iron Total	9.6	mg/L
2012-2013	SW-3 (Marco Drain)	11/28/2012	pH	9.5	SU
2012-2013	SW-3 (Marco Drain)	11/28/2012	TSS	170	mg/L
2012-2013	SW-4 (Entry Gate)	11/28/2012	Aluminum Total	31	mg/L
2012-2013	SW-4 (Entry Gate)	11/28/2012	Copper Total	0.099	mg/L
2012-2013	SW-4 (Entry Gate)	11/28/2012	Iron Total	38	mg/L
2012-2013	SW-4 (Entry Gate)	11/28/2012	pH	9.5	SU
2012-2013	SW-4 (Entry Gate)	11/28/2012	TSS	800	mg/L
2012-2013	SW-4 (Entry Gate)	11/28/2012	Zinc Total	0.22	mg/L
2012-2013	SW-5 (Fuel Area)	11/28/2012	Aluminum Total	13	mg/L
2012-2013	SW-5 (Fuel Area)	11/28/2012	Copper Total	0.043	mg/L
2012-2013	SW-5 (Fuel Area)	11/28/2012	Iron Total	13	mg/L
2012-2013	SW-5 (Fuel Area)	11/28/2012	pH	9.5	SU
2012-2013	SW-5 (Fuel Area)	11/28/2012	TSS	560	mg/L
2012-2013	SW-5 (Fuel Area)	11/28/2012	Zinc Total	0.29	mg/L
2012-2013	SW-1 & SW-2	2/19/2013	Iron Total	3.5	mg/L
2012-2013	SW-1 & SW-2	2/19/2013	pH	8.6	SU
2012-2013	SW-3 (Marco Drain)	2/19/2013	Iron Total	6.7	mg/L
2012-2013	SW-3 (Marco Drain)	2/19/2013	pH	9.5	SU
2012-2013	SW-4 (Entry Gate)	2/19/2013	Iron Total	27	mg/L
2012-2013	SW-4 (Entry Gate)	2/19/2013	pH	9.7	SU
2012-2013	SW-4 (Entry Gate)	2/19/2013	TSS	450	mg/L
2012-2013	SW-5 (Fuel Area)	2/19/2013	Iron Total	4.4	mg/L
2012-2013	SW-5 (Fuel Area)	2/19/2013	pH	9.6	SU
2012-2013	SW-3 (Marco Drain)	4/1/2013	TSS	320	mg/L
2012-2013	SW-4 (Entry Gate)	4/1/2013	pH	9.1	SU

2012-2013	SW-4 (Entry Gate)	4/1/2013	TSS	210	mg/L
2012-2013	SW-5 (Fuel Area)	4/1/2013	pH	9.7	SU
2012-2013	SW-5 (Fuel Area)	4/1/2013	TSS	120	mg/L
2012-2013	SW-1 & SW-2	4/4/2013	Iron Total	3	mg/L
2012-2013	SW-1 & SW-2	4/4/2013	pH	9.8	SU
2012-2013	SW-1 & SW-2	4/4/2013	pH	9.6	SU
2012-2013	SW-3 (Marco Drain)	4/4/2013	Iron Total	12	mg/L
2012-2013	SW-3 (Marco Drain)	4/4/2013	pH	9.1	SU
2012-2013	SW-3 (Marco Drain)	4/4/2013	pH	8.8	SU
2012-2013	SW-3 (Marco Drain)	4/4/2013	TSS	190	mg/L
2012-2013	SW-4 (Entry Gate)	4/4/2013	Iron Total	10	mg/L
2012-2013	SW-4 (Entry Gate)	4/4/2013	pH	9.5	SU
2012-2013	SW-4 (Entry Gate)	4/4/2013	pH	9.4	SU
2012-2013	SW-4 (Entry Gate)	4/4/2013	TSS	150	mg/L
2012-2013	SW-5 (Fuel Area)	4/4/2013	Iron Total	6.4	mg/L
2012-2013	SW-5 (Fuel Area)	4/4/2013	pH	9.8	SU
2012-2013	SW-5 (Fuel Area)	4/4/2013	pH	9.7	SU
2012-2013	SW-5 (Fuel Area)	4/4/2013	TSS	120	mg/L
2013-2014	SW-1 & SW-2	2/28/2014	Iron Total	14	mg/L
2013-2014	SW-1 & SW-2	2/28/2014	pH	9.34	SU
2013-2014	SW-1 & SW-2	2/28/2014	TSS	380	mg/L
2013-2014	SW-3 (Marco Drain)	2/28/2014	Iron Total	20	mg/L
2013-2014	SW-3 (Marco Drain)	2/28/2014	TSS	250	mg/L
2013-2014	SW-1 & SW-2	3/31/2014	Iron Total	2.4	mg/L
2013-2014	SW-1 & SW-2	3/31/2014	pH	8.78	SU
2013-2014	SW-3 (Marco Drain)	3/31/2014	Iron Total	51	mg/L
2013-2014	SW-3 (Marco Drain)	3/31/2014	TSS	660	mg/L
2013-2014	SW-1 & SW-2	4/25/2014	Iron Total	3	mg/L
2013-2014	SW-1 & SW-2	4/25/2014	pH	8.65	SU
2013-2014	SW-3 (Marco Drain)	4/25/2014	Iron Total	15	mg/L
2013-2014	SW-3 (Marco Drain)	4/25/2014	TSS	200	mg/L
2014-2015	SW-1	11/20/2014	Iron Total	15	mg/L
2014-2015	SW-1	11/20/2014	pH	9.94	SU
2014-2015	SW-1	11/20/2014	TSS	740	mg/L
2014-2015	SW-2	11/20/2014	Iron Total	19	mg/L
2014-2015	SW-2	11/20/2014	pH	10.06	SU
2014-2015	SW-2	11/20/2014	TSS	640	mg/L
2014-2015	SW-1	12/4/2014	Iron Total	20	mg/L
2014-2015	SW-1	12/4/2014	pH	9.46	SU
2014-2015	SW-1	12/4/2014	TSS	890	mg/L
2014-2015	SW-2	12/4/2014	Iron Total	23	mg/L
2014-2015	SW-2	12/4/2014	Oil & Grease	22	mg/L
2014-2015	SW-2	12/4/2014	pH	9.3	SU
2014-2015	SW-2	12/4/2014	TSS	540	mg/L

2014-2015	SW-3	12/4/2014	Iron Total	6.9	mg/L
2014-2015	SW-3	12/4/2014	pH	8.7	SU
2014-2015	SW-1	12/19/2014	Iron Total	13	mg/L
2014-2015	SW-1	12/19/2014	pH	9.81	SU
2014-2015	SW-1	12/19/2014	TSS	270	mg/L
2014-2015	SW-2	12/19/2014	Iron Total	14	mg/L
2014-2015	SW-2	12/19/2014	pH	9.35	SU
2014-2015	SW-2	12/19/2014	TSS	420	mg/L
2015-2016	SW-1	12/3/2015	Iron Total	5.8	mg/L
2015-2016	SW-1	12/3/2015	pH	9.9	SU
2015-2016	SW-1	12/3/2015	TSS	160	mg/L
2015-2016	SW-1	1/19/2016	Iron Total	2.7	mg/L
2015-2016	SW-1	1/19/2016	pH	7.75	SU
2015-2016	SW-2	1/19/2016	Iron Total	1.6	mg/L

**Attachment 3: Alleged Dates of Exceedances at
Pier 92 Amador Ready Mix,
October 1, 2012 to March 6, 2016**

Days with precipitation one-tenth of an inch or greater, as reported by NOAA's National Climatic Data Center; Downtown San Francisco, California station, GHCND:USW00023272 when a stormwater discharge from the Facility is likely to have occurred. <http://www.ncdc.noaa.gov/cdo-web/search>

2012	2013	2014	2015	2016
10/22	1/5	2/2	2/6	1/5
10/23	1/23	2/6	2/8	1/6
10/24	2/7	2/7	4/5	1/9
10/31	2/8	2/8	4/7	1/13
11/1	2/19	2/9	4/24	1/14
11/8	3/6	2/26	4/25	1/15
11/16	3/31	2/28	6/10	1/16
11/17	4/1	3/3	11/2	1/17
11/20	4/4	3/5	11/9	1/18
11/21	6/25	3/25	11/15	1/19
11/28	9/21	3/26	11/24	1/22
11/30	11/19	3/29	12/3	1/29
12/1	11/20	3/31	12/10	2/2
12/2	12/6	4/1	12/11	2/17
12/5	12/7	4/4	12/13	2/18
12/15		4/25	12/18	2/19
12/17		9/25	12/19	3/4
12/21		10/25	12/20	3/5
12/22		10/31	12/21	3/6
12/23		11/13	12/22	
12/25		11/19	12/24	
12/26		11/20		
12/28		11/22		
12/29		11/29		
		11/30		
		12/2		
		12/3		
		12/5		
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		12/17		
		12/19		